

## REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed February 3, 2003. In the Office Action, claims 1 – 32 remain pending and stand rejected. Independent claims 1, 14, 21, 25, and 29 as well as dependent claims 10 – 13, 16 – 20, 22 – 24, 26 – 28, and 30 – 32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,608,446 to *Carr et al.* (hereinafter *Carr*). Furthermore, dependent claims 3 – 9 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,608,446 to *Carr et al.* (hereinafter *Carr*) together with the Examiner's official notice of including a password in the identifying code. Applicants respectfully traverse these rejections and all findings of official notice.

### **Rejections Under 35 U.S.C. § 102(b)**

Revised independent claim 1 specifies “first identification information being received from the subscriber [and] second identification information being received from the subscriber [that is] different from the first identification information.” *Carr* does not disclose, teach, or suggest a subscriber authentication with two different items of identification information as recited in independent claim 1. Furthermore, revised independent claim 14 specifies “first identification information being received from the subscriber [and] second identification information being received from the subscriber [that is] different from the first identification information.” *Carr* does not disclose, teach, or suggest a subscriber authentication with two different items of identification information as recited in independent claim 14. Moreover, revised independent claim 21 specifies “first identification information being received from the subscriber [and] second identification information being received from the subscriber [that is] different from the first identification information.” *Carr* does not disclose, teach, or suggest a subscriber authentication with two different items of identification information as recited in independent claim 21. Also, revised independent claim 25 specifies “first identification information being received from the subscriber [and] second identification information

being received from the subscriber [that is] different from the first identification information.” *Carr* does not disclose, teach, or suggest a subscriber authentication with two different items of identification information as recited in independent claim 25. In addition, revised independent claim 29 specifies “logging in[ ] by sending first identification information [and] by sending second identification information [that is] different from the first identification information.” *Carr* does not disclose, teach, or suggest a subscriber authentication with two different items of identification information as recited in independent claim 29.

Thus, Applicants submit that independent claims 1, 14, 21, 25, and 29 are allowable over *Carr*. Furthermore, dependent claims 2 – 13, 15 – 20, 22 – 24, 26 – 28, and 30 – 32, which depend on independent claims 1, 14, 21, 25, and 29 respectively, are allowable as a matter of law. Thus, all claims 1 – 32 are allowable over *Carr*.

#### **Rejections Under 35 U.S.C. § 103(a)**

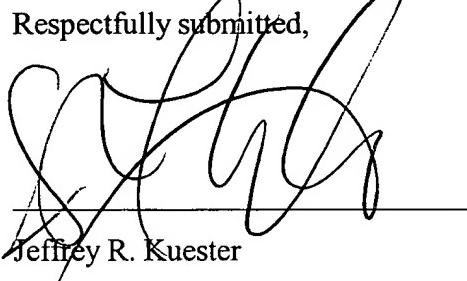
Dependent claims 3 – 9 and 15 were rejected as being unpatentable over *Carr* in combination with Official Notice that “it would have been obvious to include a password in the identifying code.” (From page 4 of the Office Action) Applicants respectfully disagree with this Official Notice. While some logins may utilize a user name and password, other systems may only have some unique number without a password, and some might even use different paradigms altogether. Thus, all systems do not use a password, and in some situations adding a password might not provide additional security. Thus, Applicants submit that all authentication systems do not necessarily use passwords, and it is not necessarily obvious under what set of conditions the addition of a password is useful in identification information. Accordingly, Applicants respectfully disagree with and traverse the finding of Official Notice. Furthermore, as the only reference in this 35 U.S.C. § 103(a) rejection is *Carr* in combination with the Official Notice, and as Applicants have already argued above that *Carr* does not disclose, teach, or suggest any of Applicants’ independent claims 1, 14, 21, 25, and 29, Applicants submit that independent claims 1, 14, 21, 25, and 29 together with dependent claims 2 – 13, 15 –

20, 22 – 24, 26 – 28, and 30 – 32, respectively, are allowable over *Carr* in this 35 U.S.C. § 103(a) rejection.

### CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1 - 32 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



Jeffrey R. Kuester

Registration No. 34,367

Date: 6/3/03

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**  
Suite 1750  
100 Galleria Parkway N.W.  
Atlanta, Georgia 30339  
(770) 933-9500

**ANNOTATED VERSION OF MODIFIED CLAIMS TO SHOW CHANGES MADE**

In accordance with 37 C.F.R. § 1.121, please find below the amended claims in which the inserted language is underlined ("\_\_") and the deleted language is enclosed in brackets ("[ ]"):

1. (Twice Amended) In a cable data delivery network for delivering digital data to a host location upon a subscriber initiated request, apparatus for authenticating that the subscriber is authorized to use said network, said apparatus comprising:  
a network manager including at least one database of authorized users and  
a validation agent, said validation agent further comprising:  
logic to authorize the subscriber to access a first communications path by comparing first identification information with at least part of the at least one database, the first identification information being received from the subscriber, the first communications path providing at least a portion of connectivity between the host location and a head end of the cable data delivery network;  
and  
logic to authorize the subscriber to access a second communications path by comparing second identification information with at least part of the at

least one database, the second identification information being received from the subscriber and being different from the first identification information, the second communications path providing at least a portion of connectivity between the host location and the head end of the cable data delivery network.

14. (Once Amended) A method of authorizing a subscriber to access a first communications path and a second communications path, the first communications path and the second communications path utilized in conveying data between a head end and the subscriber of a cable data network, the method comprising the steps of:

authorizing the subscriber to access the first communications path by comparing first identification information with at least part of at least one database, the first identification information being received from the subscriber; and

authorizing the subscriber to access the second communications path by comparing second identification information with at least part of the at least one database, the second identification information being received from the subscriber and being different from the first identification information.

21. (Once Amended) An apparatus utilized in authorizing a subscriber to access a cable data network at a first level of service and a second level of service, the cable data network providing connectivity between a head end and the subscriber, the method comprising the steps of:

logic configured to authorize the subscriber to access the cable data network at the first level of service by comparing first identification information with at least part of at least one database,  
the first identification information being received from the subscriber; and

logic configured to authorize the subscriber to access the cable data network at the second level of service by comparing second identification information with at least part of the at least one database,the second identification information being received from the subscriber and being different from the first identification information.

25. (Once Amended) A method of authorizing a subscriber to access a cable data network at a first level of service and a second level of service, the cable data network providing connectivity between a head end and the subscriber, the method comprising the steps of:

authorizing the subscriber to access the cable data network at the first level of service by comparing first identification information with at least part of at least one database, the first identification information being received from the subscriber; and

authorizing the subscriber to access the cable data network at the second level of service by comparing second identification information with at least part of the at least one database, the second identification information being received from the subscriber and being different from the first identification information.

29. (Once Amended) A method of [claim] logging into a cable data network that has a plurality of levels of service, the method comprising the steps of:

logging into the cable data network at a first level of service by sending first identification information to at least one validation agent; and  
logging into the cable data network at a second level of service by sending second identification information to the at least one validation agent, the second identification information being different from the first identification information.